

Montana State Library



This "cover" page added by the Internet Archive for formatting purposes

PLEASE

Montana State Library

3 0864 1004 4074 5

THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

STATE DOCUMENTS COLLECTION

DEC 2 - 1986

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

DECEMBER 1986

VOL. V. NO. 19

JOINT INTERIM SUBCOMMITTEE ON VO-TECHS/JOB TRAINING

RECOMMENDATIONS SET

The Joint Interim Subcommittee on Vo-Techs/Job Training met Friday, November 7, 1986, to develop recommendations for a final report. After reviewing the many governance options suggested throughout the study process, the subcommittee requested draft legislation to place the five vo-techs under the Board of Regents and to allow the local school districts to continue to employ the vo-tech personnel. The other details of the governance change were to be based on House Bill 18 from the 1985 Session.

In its afternoon session the subcommittee heard a report on the new job search and training program for general assistance recipients (HB 12). Tucker Hill, Chairman of the State Job Training Coordinating Council, told the subcommittee that jobs had been found for 163 general assistance recipients and that SRS and DOLI staff were working to improve the program. The subcommittee decided not to recommend changes at this time.

The subcommittee met briefly again on Saturday, November 15 to review the draft legislation on vo-tech governance. The bill, LC 164, was amended to allow the employees to remain school district employees for two more school years before becoming employees of the Board of Regents. Provisions were added to ensure that employees would be able to transfer their years of service along with various leave benefits. Senator Lynch will offer for the final report a minority opinion on the subcommittee's suggested legislation. The

minority report will support the continuation of local district involvement in the employment of vo-tech personnel. The subcommittee's final report will be available in mid-December.

JOINT INTERIM SUBCOMMITTEE ON AGRICULTURAL PROBLEMS

FINAL MEETING DECEMBER 5 The Joint Interim Subcommittee on Agricultural Problems will hold its final meeting of the interim on Friday, December 5, in Helena.

At this meeting the subcommittee will develop its final recommendation to the 1987 Legislature.

AG PROBLEMS In concluding its study on the economic problems of agriculture, the subcommittee will discuss a number of bills designed to assist and promote Montana agriculture. These bills include legislation in the following areas: agricultural marketing, rural banking, emergency farm assistance, farm finance, and university agricultural research and extension services.

WILDLIFE DAMAGE Furthermore, to complete its study on wildlife damage, the subcommittee will review the work of a landowner/sportsmen group that has been developing legislation which may address wildlife damage issues.

JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

BILLS PROPOSED The Joint Interim Subcommittee on Lien Laws met for the last time on November 14 and recommended passage of bills to:

- remove possible constitutional problems in the Agister's Lien Law;
- require serial numbers and model numbers, when attached, on financing statements for the purchase of farm implements or machinery;
- include among bankruptcy exemptions benefits from public retirement systems, workers' compensation, and unemployment compensation, and certain insurance benefits;
- revise the laws on exemption from execution of judgment; and

- create a Construction Lien Law to replace the Mechanic's Lien statute.

JOINT SUBCOMMITTEE ON LAW ENFORCEMENT ACADEMY

RECOMMEND- The Joint Interim Subcommittee on the Law TIONS
SET Enforcement Academy held its final meeting of the
interim on Sunday, November 16.

During this meeting, the subcommittee took the following action in concluding its study:

- voted unanimously not to consider any proposal for the construction of a new state law enforcement academy facility; and
- voted 5-3 to recommend that the 1987 Legislature accept a proposal to locate the Montana Law Enforcement Academy at Western Montana College in Dillon.

DILLON PROPOSAL

Under the Western Montana College proposal, the Montana Law Enforcement Academy would be housed in facilities leased from the college. These facilities include:

- Clark Hall, which would contain administrative offices, a 100-bed student dormitory, a crime scene lab., film and print room, and a 20-student classroom;
- a new, 12-lane indoor firing range, which would be constructed to meet specifications and located directly adjacent to Clark Hall;
- a 70-student tiered classroom and a 90-student expandable classroom, which would be located in the college's main classroom building;
- the college library, audio-visual room, microcomputer center, graphics and publication laboratory, television studio, and satellite communications facility;
- the college student kitchen/dining facility;
- the college PE/Arena complex.

The facilities offered under the Western Montana College proposal represent a significant expansion in the size of the academy facilities. Moreover,

subcommittee members believe the proposed facilities would provide improved facilities that meet the expressed needs of the Montana Law Enforcement Academy.

It is estimated that the annual cost of the Western Montana College proposal will be \$115,000 above current funding levels for the Montana Law Enforcement Academy. In addition, the proposal will not require a new state construction bonding program, because Western Montana College proposes to undertake all necessary renovation and construction using the college's current bonding authority.

The subcommittee will issue its written report to the 1987 Legislature sometime in January.

JOINT INTERIM SUBCOMMITTEE ON LIABILITY ISSUES

DECEMBER 12 MEETING

The final meeting of the Montana Legislature's Joint Interim Subcommittee on Liability Issues has been rescheduled for Friday, December 12. The meeting will begin at 9 a.m. in Room 104 of the Capitol.

During the meeting, the subcommittee will discuss the bill drafts on tort reform and insurance regulation that were submitted at the September meeting and will select legislation for introduction during the 1987 legislative session.

ENVIRONMENTAL QUALITY COUNCIL

DECEMBER 10 AND 11 MEETINGS SET

SUBDIVISION BILL

The Environmental Quality Council will meet on December 10 and 11 in the Capitol. On Wednesday the 10th, the Council will participate in the final working-group session on the proposed subdivision bill. The session will focus on addressing any unresolved issues, and will allow Council members to work with representatives of the many interest groups who have been active in the subdivision study.

HAZARDOUS WASTE

On Thursday, December 11, the EQC will consider several hazardous waste management issues, including funding for Montana's participation in the federal Superfund program; a program for Montana to seek reimbursement for damages done to natural resources by hazardous waste sites; operation of the state "mini-Superfund"; federal community right-to-know legislation; and the

results from the feasibility study on a state-operated hazardous waste collection and transfer facility. The Council will also review a staff report on the status of the Montana's Renewable Energy Program.

The EQC Land Resources Subcommittee and Water Resources Subcommittee will also meet during the two-day meeting. Please contact EQC for times and agendas of the Council meeting and the subcommittee meetings.

LEGISLATIVE AUDIT COMMITTEE

MEETING
DECEMBER 8
AND 9

The Legislative Audit Committee will meet December 8 and 9 to hear the following audit reports:

Financial compliance:

Board of Investments
Teachers Retirement Division
Office of Public Instruction
Statewide Audit

Performance:

Job Training Program Monitoring
Montana Nursing Programs

Sunset Performance:

Board of Denturitry

In addition to hearing the audit reports, the committee will consider its legislative proposals and conduct other committee business.

LEGISLATIVE COUNCIL

INTERNS
ASSIGNED

At its November 14 meeting the Legislative Council appointed 11 legislative interns from 5 of the university units and assigned them to positions that will be shared by 41 legislators.

PROPOSED
BUDGET
ADDENDUM

The Council approved a 1987-89 budget proposal that would allow Representative Bob Marks to carry out his duties as Council of State Governments Western Conference Liaison to the National Conference of State Legislatures, a post to which he was elected recently at a meeting in Colorado Springs.

STAFF NOT TO DRAFT SPONSOR FISCAL NOTES

The Council adopted a policy, Rule V(6), stating "no council staff person may draft a sponsor fiscal note".

The Council plans to meet again in December or early January in conjunction with a meeting of the Joint Rules Committee, yet to be called.

ANNOTATIONS UPDATED

Updated annotations to 14 Titles of the Code were mailed to subscribers on November 25. The fourth and final annotations for the 1985-87 biennium will be mailed in January (or else Petesch will jump off Lady Liberty).

RETIREMENT OF LONG-TIME EDITOR

The Council is sad to announce the retirement of Senior Editor, Doris Groot, after 13 years of service with the Council.

BILL DRAFTING REQUESTS

As of 8 a.m., November 25, 1986, the Council had received 341 bill drafting requests. Of these requests 45 are for committee or agency bills. The Council had received 382 requests by Thanksgiving, 1984, however, of these 136 were agency or committee bills. It appears that while the total number of bills by Thanksgiving will be approximately the same there are many more individual requests. There is no way of determining whether requestors are getting requests in early or whether there is simply going to be an increase in total requests.

PRE-INTRODUCTION OF BILLS

The Council has begun mailing completed drafts to requestors along with a pre-introduction form. If the draft meets with your approval simply sign the form and return it in the enclosed self-addressed stamped envelope. Retain the bill draft for your own use. If you have changes or questions concerning your draft do not sign the form. Contact the Council with any changes or questions. Signing and returning the form causes the draft to be assigned a bill number and printed. It has the same effect as introduction during the session.

LEGISLATIVE FINANCE COMMITTEE

GENERAL FUND DEFICIT

The general fund preliminary deficit projection is \$55 million after including the Department of Revenue's \$79 million estimate that state revenue will increase due to federal tax reform. The deficit of \$55 million does not include any increases for the pay plan, the school foundation program, or inflation.

SCHOOL
ISSUES

The Legislative Finance Committee will hold a public hearing Monday, December 1, in the senate judiciary room starting at 8 a.m. The six issues to be discussed are:

- (1) Equalize Retirement Costs. The mill levy for employee benefits specified by law for the number of staff required under the accreditation standards should be equalized. Benefits for staff not required by the accreditation standards be included in the local mandatory levy for teacher retirement.
- (2) Isolation Status. Isolation criteria shall be defined in law and the law shall be modified so that one-half of the foundation program shall be financed by a tax levied on the property of the district for high schools under 100 ANB which do not have isolated status. The isolation status criteria reads: A school cannot be considered as isolated if it is within 20 road miles of another school with room to accommodate the pupils and if 50 percent or more of the pupils can, on average, be transported to the closest school within a period of one hour or less. The Superintendent of Public Instruction may recommend that the Board of Public Education grant isolated status to schools not meeting the criteria for isolation status and the board may grant isolation status if the board determines it is in the public interest.
- (3) Average Number Belonging (ANB). The aggregate of all the regularly enrolled full-time pupils attending accredited public schools within the same school district and not over 3 miles from an incorporated city limit shall be the geographical basis for calculating the ANB to be used in determining the foundation program for such schools. All K-8 students in the same school system form the aggregate ANB basis for determining the school foundation funding.
- (4) School District Taxable Valuation. A new school district may not be created unless the taxable property of the territory proposed to be included in the new district is \$1 million

or more and the taxable value of the property of each remaining district is \$2 million or more.

- (5) Student Achievement Testing. Student performances shall be measured and evaluated for selected grades to measure the level of academic performance of Montana schools in comparison to the cost per ANB, the national and state student performance, and most importantly, the state education achievement goals.
- (6) Interim Study. There should be a thorough study in the 1989 biennium of the adequacy of the accreditation standards, the cost of providing services to meet the accreditation standards, and a procedure for presenting changes in the accreditation standards to the legislature with a modified funding request.

COAL TAX OVERSIGHT COMMITTEE

PROPOSALS SUBMITTED

At its final meeting on November 13, the Coal Tax Oversight Committee recommended passage of bills to:

- revise the provisions for repayment of Coal Board loans, similar to SB 284 of 1985;
- authorize use of a portion of the coal severance tax proceeds for research and development, similar to SB 21 of 1985; and
- revise language in other titles relevant to use of coal severance tax that does not conform with Section 15-35-108, MCA, which allocates money to specific uses.

SPECIFIC FINDINGS

The subcommittee adopted findings and recommendations in regard to the effectiveness of the New Coal Production Incentive Tax Credit Act of 1985 as required by Section 9 of that Act.

- (1) After careful consideration of all the relevant information, the subcommittee was unable to find conclusive evidence that the New Coal Production Incentive Tax Credit was the sole determining factor in the awarding of a new contract for future coal production to a Montana mine, but the subcommittee did

recognize that the Incentive Tax Credit was unquestionably a significant element in the successful negotiation for the sale. Unanimity of opinion about the effectiveness of the Incentive Tax Credit was lacking in the testimony heard by the subcommittee, and the members consequently arrived at differing conclusions about the value of the Window of Opportunity in stimulating the coal industry in this state.

- (2) The Department of Revenue reported no technical difficulties in the administration of the New Coal Production Incentive Tax Credit, and the subcommittee was not advised of and has no reason to suspect any abuses of the tax credit provisions of the law.
- (3) The subcommittee was convinced by the evidence presented and the testimony heard of a deleterious effect, manifested in discrimination, inequity, and inconsistency, of a two-tier system of taxation of the same product.

RECOMMENDATIONS

As consequences of the findings noted above, the Coal Tax Oversight Subcommittee respectfully recommends to the Revenue Oversight Committee and to the 50th Legislature:

- (1) Extension of the New Coal Production Incentive Tax Credit beyond the June 30, 1987, termination provided in Chapter 636, Laws of 1985, for a lifespan not of a precise calendar period but that will terminate upon the achievement of other criteria found by the Legislature to be appropriate.
- (2) Systematic exploration of alternative methods of taxation of coal production including but not limited to applying a consistent tax rate to all coal mined in Montana.

REVENUE OVERSIGHT COMMITTEE

NOVEMBER 21 MEETING

Following an early fall recess, the Revenue Oversight Committee met for the 14th time during the interim on Friday, November 21, in Helena.

FEDERAL TAX REFORM

The agenda focused primarily on the implications to Montana of federal tax reform. Reports by the Department of Revenue and Policy Economics Group

of Washington, D.C., indicate that state individual income tax and corporation license tax revenues will increase by about \$23-27 million in fiscal 1988 and about \$40-46 million in fiscal 1989 (assuming current Montana law).

The committee has requested further information from the Department on specifically which Montana taxpayers will be affected by the federal tax changes, and in what way they will be affected. The committee is also researching the possibility of retaining Policy Economics to provide further, more specific information on federal tax reform.

STATE TAX REFORM

A discussion of the Governor's tax reform package was also entertained during the meeting. As presented to the committee by the Department of Revenue, the package is based on federal adjusted gross income (rather than Montana adjusted gross) and would: simplify filing Montana individual income taxes; eliminate the "red flag" of worldwide unitary taxation; reduce individual income tax rates; reduce the corporation license tax rate from 6.75% to 6%; and would be "revenue neutral", i.e., it would neither increase nor decrease the total revenue collected.

The committee has asked the Department for a detailed analysis of precisely how Montanans would be affected by the Governor's proposal.

DECEMBER 13 DATE SET

The committee's next meeting is scheduled for Saturday, December 13, in Room 104 of the Capitol. The tentative agenda includes further discussion of federal tax reform and a presentation by the University of Montana Bureau of Business and Economic Research of a sales and use tax data base.

COMMITTEE ON INDIAN AFFAIRS

LAST MEETING HELD NOVEMBER 22

The Committee on Indian Affairs held its final meeting on November 22. During the morning session, eight members of the Confederated Salish and Kootenai Tribal Community presented information on the chemical abuse/dependency program on the Flathead Reservation. As part of the presentation, the group showed a film entitled "The Honour of All", a story about the Alkalai, Lake Indians of Canada who, over the 14-year period, moved from a 100% alcoholism rate on the reservation to a 95% sobriety rate. In the

LEGISLATIVE
PACKAGE

afternoon, the chairman of the Reserved Water Rights Compact Commission, gave an update on the commission's activities. The committee also reviewed several bill drafts and by unanimous vote agreed to sponsor legislation during the 1987 session to:

- authorize state-tribal cooperative agreements for assessment and collection of any tax, license, or permit lawfully imposed (LC 65);
- require the director of the Department of Social and Rehabilitation Services to appoint an Indian child welfare coordinator (LC 61);
- require appointment of a person knowledgeable about Indian cultural and family matters to certain foster care review committees (LC 63); and
- create a legislative committee on Indian affairs for the 1986-87 interim (LC 62).

In addition, members voted to introduce a joint resolution opposing the proposed Indian Health Service regulations limiting eligibility for health care services (LC 118).

WATER POLICY COMMITTEE

PROPOSALS
FINALIZED

The Water Policy Committee met on November 20 to discuss final committee recommendations. Recommendations were developed for 12 water policy areas. The recommendations included: legislative involvement in the new state water planning process; adequate funding for state water data programs; use of water development funds solely for water-related projects and programs; and the determination of priority basins for water rights adjudication, Reserved Water Rights Compact Commission, and water reservation efforts.

Copies of the final committee report will be delivered to all legislators and will be available to interested persons upon request. The tentative date for publication is late December.

RECENT AGENCY REPORTS:

Legislative Fiscal Analyst:

Operational Plan Language
Flexibility Among Appropriations
Workers' Compensation
General Fund Outlook - 1989 biennium

1987 SENATE COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION

Paul Boylan, Chairman	Allen C. Kolstad
Jack Galt, Vice Chairman	Greg Jergeson
Esther G. Bengtson	Gene Thayer
Tom Beck	Hubert J. Abrams
Ray Lybeck	Peter R. Story

BILLS AND JOURNALS

Jack Galt, Chairman	Mike Halligan
Richard Manning, Vice Chairman	Harry H. "Doc" McLane
John Anderson	Pat Regan

BUSINESS AND INDUSTRY

Allen C. Kolstad, Chairman	Bob Williams
Ted Neuman, Vice Chairman	Harry H. "Doc" McLane
Delwyn Gage	Cecil Weeding
Paul Boylan	Darryl Meyer
Gene Thayer	Mike Walker

COMMITTEE ON COMMITTEES

Joe Mazurek, Co-Chairman	Allen C. Kolstad
Jack E. Galt, Co-Chairman	Pat Regan
John "J. D." Lynch	Peter R. Story

EDUCATION AND CULTURAL RESOURCES

Robert J. "Bob" Brown, Chairman	Ted Neuman
Chet Blaylock, Vice Chairman	Ed Smith
William Farrell	Joe Mazurek
R. J. "Dick" Pinsoneault	H. W. "Swede" Hammond
George McCallum	Pat Regan

FINANCE AND CLAIMS

Pat Regan, Chairman	Paul Boylan
Matt Himsl, Vice Chairman	H. W. "Swede" Hammond
Judy Jacobson	Richard Manning
Ethel Harding	Ed Smith
Jack Haffey	Lawrence Stimatz
Larry Tveit	Thomas Keating
Esther Bengtson	Greg Jergeson
Delwyn Gage	Peter Story

FISH AND GAME

Ed Smith, Chairman	Elmer Severson
William Yellowtail, V. Chairman	Greg Jergeson
John Anderson	Al Bishop
Judy Jacobson	Esther Bengtson

HIGHWAYS AND TRANSPORTATION

Larry Tveit, Chairman	Hubert J. Abrams
Lawrence Stimatz, Vice Chairman	Darryl Meyer
William Farrell	Ray Lybeck
Cecil Weeding	Sam Hofman
Tom Hager	Bob Williams

JUDICIARY

Joe Mazurek, Chairman	Jack Galt
Bruce Crippen, Vice Chairman	William Yellowtail
Chet Blaylock	Al Bishop
Robert J. "Bob" Brown	Mike Halligan
R.J. "Dick" Pinsoneault	Tom Beck

LABOR AND EMPLOYMENT RELATIONS

John "J. D." Lynch, Chairman	Chet Blaylock
Gene Thayer, Vice Chairman	Delwyn Gage
Richard Manning	Jack Haffey
Thomas Keating	Jack Galt

LEGISLATIVE ADMINISTRATION

Chet Blaylock, Chairman	George McCallum
Allen C. Kolstad, Vice Chairman	John "J. D." Lynch
Richard Manning	Bruce Crippen

LOCAL GOVERNMENT

Bruce Crippen, Chairman	Dorothy Eck
R. J. "Dick" Pinsoneault, V.Ch.	Peter Story
Ethel Harding	Eleanor Vaughn
Les Hirsch	H. W. "Swede" Hammond
Tom Beck	Mike Walker

LONG RANGE PLANNING

Fred Van Valkenburg, Co-Ch.	Mike Walker
Gary Aklestad, Co-Chairman	Tom Rasmussen

NATURAL RESOURCES

Tom Keating, Chairman	Larry Tveit
Cecil Weeding, Vice Chairman	John "J. D." Lynch
John Anderson	Sam Hofman
Mike Halligan	William Yellowtail
Delwyn Gage	Elmer Severson
Lawrence Stimatz	Mike Walker

PUBLIC HEALTH, WELFARE AND SAFETY

Dorothy Eck, Chairman	Darryl Meyer
Tom Hager, Vice Chairman	Eleanor Vaughn
Bill Norman	Tom Rasmussen
Matt Himsl	Judy Jacobson
Bob Williams	Harry H. "Doc" McLane

RULES

Fred Van Valkenburg, Chairman	Judy Jacobson
George McCallum, Vice Chairman	William Farrell
Bill Norman	Chet Blaylock
Gary Aklestad	Matt Himsl

STATE ADMINISTRATION

Jack Haffey, Chairman	Ethel Harding
William Farrell, Vice Chairman	Eleanor Vaughn
Les Hirsch	Sam Hofman
John Anderson	Hubert J. Abrams
John "J. D." Lynch	Tom Rasmussen

TAXATION

George McCallum, Chairman	Elmer Severson
Mike Halligan, Vice Chairman	Les Hirsch
Robert J. "Bob" Brown	Bruce Crippen
Dorothy Eck	Ted Neuman
Tom Hager	Al Bishop
Joe Mazurek	Ray Lybeck

1987 HOUSE COMMITTEE CHAIRMEN

AGRICULTURE

Duane Compton, Chairman	Loren Jenkins, Vice Chairman
-------------------------	------------------------------

APPROPRIATIONS

Gene Donaldson, Chairman	Cal Winslow, Co-Vice Chairman
	Bob Thoft, Co-Vice Chairman

BUSINESS AND LABOR

Les Kitselman, Chairman	Fred Thomas, Vice Chairman
-------------------------	----------------------------

EDUCATION AND CULTURAL RESOURCES

Jack Sands, Chairman	Dick Nelson, Vice Chairman
----------------------	----------------------------

FISH AND GAME

Orval Ellison, Chairman	Marian Hanson, Vice Chairman
-------------------------	------------------------------

HIGHWAY AND TRANSPORTATION

John Harp, Chairman	Bill Glaser, Vice Chairman
---------------------	----------------------------

HUMAN SERVICES

Budd Gould, Chairman	Bob Gilbert, Vice Chairman
----------------------	----------------------------

JUDICIARY

Earl Lory, Chairman	John Mercer, Vice Chairman
---------------------	----------------------------

LEGISLATIVE ADMINISTRATION

Harriet Hayne, Chairman	Ed Grady, Vice Chairman
-------------------------	-------------------------

LOCAL GOVERNMENT

Norm Wallin, Chairman	Ray Brandewie, Vice Chairman
-----------------------	------------------------------

NATURAL RESOURCES

Tom Jones, Chairman

Clyde Smith, Vice Chairman

STATE ADMINISTRATION

Walter Sales, Chairman

John Phillips, Vice Chairman

TAXATION

Jack Ramirez, Chairman

Tom Asay, Vice Chairman

RULES

Tom Hannah, Majority Leader

Bob Marks, Speaker

Committee membership will be announced later.

SPECIAL REPORT

The next few pages of the Interim contain the joint report required by Chapter 31, Laws of Montana, Special Session, June 1986. Inclusion of the report here fulfills the requirement of Section 2(3) to mail the report to the legislators.

REPORT TO THE 49TH LEGISLATURE
ON DUPLICATING SERVICES IN
STATE HUMAN SERVICES AGENCIES
CALLED FOR BY HOUSE BILL 40

OVERVIEW

The Montana Legislature, during its special session in June, enacted House Bill 40, a measure "to identify and consolidate duplicative services provided by the Departments of Social and Rehabilitation Services (SRS), Health and Environmental Sciences (DHES), Labor and Industry (DOLI) and Institutions (DOI); to provide for a survey of employees to identify duplicative services. . ." Through the survey, department directors were to identify functions or programs which were overlapping or duplicative within their own agencies or with the other three departments.

DHES Director Dr. John Drynan, SRS Director Dave Lewis, Labor Commissioner Gene Huntington, and DOI Director Carroll South appointed staff within their departments to conduct the respective surveys and to complete agency reports for the legislature by the December 1st deadline. Since more than one department was involved, the project was coordinated through the Governor's Office. Individual agency responses have been completed by: James Currie (DOI), Robert Moon (DHES), Mary Blake (SRS) and Nancy Harte (DOLI). The survey was conducted using existing agency resources.

A uniform survey form was prepared and printed on the appropriate agency letterhead for each department and provided to each employee with the August 27th paycheck. Of the 4,434 forms sent out, 375 were returned. Of those sent back, 288 were satisfied that no duplication existed in their departments. The remaining 87 recommended a variety of ideas for changes within their respective departments and between agencies. Appearing first in this report are four issues involving two or more agencies. They are followed by issues affecting the individual departments. The last attachment is a sample of the survey form.

ISSUE

Several of the respondents expressed concern over duplicative and overlapping child and youth services provided by DOI, SRS, and the district courts.

RECOMMENDATION

The Council on Reorganization of Youth Services, appointed by the Governor, spent most of 1986 on its charge of "recommending ways to reorganize and improve the delivery of services to Montana's problem youth." The Governor has accepted the council's recommendations to consolidate the child and youth services of concern. Legislation is being drafted for the creation of a new Department of Family Services. If adopted by the legislature, the measure will address the concerns raised in this area by department employees.

ISSUE

A number of respondents questioned the need for the inspection, licensing and certification activities carried out by three of the departments. It is their perception that efforts are duplicated in many cases.

RECOMMENDATION

The survey coordinator called together those responsible for inspections, licensing and certification in DHES, SRS and DOI, as well as representatives from the State Fire Marshall's office and the Building Codes Bureau within the Department of Commerce. The latter two were outside the scope of this survey, but their responsibilities might be seen by some as duplicating those of the agencies surveyed.

DHES is involved in all areas: inspecting infirmaries at the prison and the University of Montana, certifying Medicare and Medicaid providers, and licensing hospitals, nursing homes, retirement homes, and personal care, hospice, adult day care, home health and transitional living facilities. SRS inspects and licenses child day care, youth foster and group homes, child placing agencies, child care agencies, adult foster homes, and community homes for the developmentally disabled and physically disabled. SRS also registers group child day care and family day care homes. DOI certifies only the treatment portion of programs in: alcohol and drug programs, halfway houses, inpatient and outpatient programs, mental health centers, the Warm Springs State Hospital, and the Montana Development Center.

The Fire Marshall is charged with conducting life safety inspections at each state institutions (in cooperation with SRS), university units, jails, community homes for the disabled, day care centers and all public buildings. Building Codes Bureau establishes the construction codes for all levels of government and inspects the construction of block grant projects, Community Development projects, Section 8 Housing projects and financial inspections. If a local entity has not established a local inspection program, the Bureau also will provide inspections at that level. It does not have authority to inspect a building with less occupancy than a four-plex.

Reducing duplication in the inspection, licensing, and certification responsibilities of the agencies involved will require changes in statutes in most cases. The issue is very complex and beyond the scope of this survey to adequately address. In 1981, the legislature passed a resolution endorsing to study it. However, the study was not funded. In the areas of inspections, licensing, and certification, a comprehensive study by the legislature is recommended.

ISSUE

Several respondents felt that there is a duplication between the Food Stamp Program in SRS and the Women, Infants and Children (WIC) Program in DHES.

RECOMMENDATION

Initially, the Food Stamp and WIC programs appear duplicative with a consolidation of the two a relatively simple matter. Both originate with the U.S. Department of Agriculture. However, each is required by separate federal authority to be located within the Montana State agency now administering it. The Food Stamp Program is a general measure to address only hunger. Under the Food Stamp Program, a client has complete discretion on the types and quality of foods purchased. SRS eligibility technicians are not required to look for nutritional risk problems in clients. By contrast, the WIC Program consists of three basic parts: nutrition, education and counseling; provision of supplemental food benefits; and access to other health care programs.

Food products purchased are limited to those which provide specific needed nutrients for clients and must be prescribed by a competent professional in much the same way that a physician prescribes medications. DHES contracts with local public health agencies to operate the WIC program throughout the state. WIC client records are considered to be medical records and subject to confidentiality requirements for medical records, so a data base cannot be shared by the two agencies.

Despite this, information sharing between them now occurs where possible, such as disqualified food vendors and the referral of clients when appropriate. Due to the federal requirements accompanying the programs, it does not appear that more can be done to eliminate duplication.

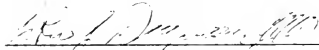
ISSUE


Concerns were raised over a duplication of effort and often a lack of coordination between SRS and DOLI in the areas of Job Service, Work Incentive (WIN), and other assistance programs.

RECOMMENDATION

The Directors of SRS and DOLI agree that the responsibilities in this area should be consolidated and would support further study of placing these programs within either SRS or DOLI.

CARROLL SOUTH, Director
Department of Institutions


DR. JOHN J. DRYAN, Director
Department of Health and Environmental Sciences


DAVE LEWIS, Director
Department of Social and Rehabilitation Services


EUGENE F. HUNTINGTON, Commissioner
Department of Labor and Industry

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

The survey form was sent to 230 employees of DHES. Of the 54 replies, 45 were unaware of duplicative services. Of the nine who answered affirmatively, the concerns are addressed in the overview: licensing and certification of alcohol treatment centers and mental health centers by DHES and DOI, and possible duplication of services between the Food Stamp and Women, Infants and Children programs.

The department is working with DOI, SRS, Justice and Commerce to clarify roles in the licensing of alcohol treatment and mental health centers. In the meantime, DHES is to administer the licensing of such facilities as it is required to do by state law. The complexity of the issue points to the need for further study by the executive and legislative branches of government.

A file of survey forms and the director's response to those which were signed is available for review in the director's office between 8:00 a.m. and 5:00 p.m. Monday through Friday, excepting holidays.

THE DEPARTMENT OF INSTITUTIONS

Of the 2,334 survey forms sent to DOI employees, 52 were returned. Thirty-two of those were satisfied that no duplication existed. Of the 20 who expressed concerns, most felt there could be improvements made in delivering services to juvenile offenders and youth in need of supervision. The remainder anonymously addressed minor administrative matters within the agency.

The concerns raised about the issues of youth have been covered previously in the overview. They would be addressed by the recommended creation of a new Department of Family Services. DOI is studying the possibility of incorporating the administrative changes which were also recommended.

Replies to respondents have been sent where the identities are known. A file of concerns and replies by directors is available for review in the director's office between 8:00 a.m. and 5:00 p.m. Monday through Friday, except for holidays.

DEPARTMENT OF LABOR AND INDUSTRY

Within DOLI, 766 employees were polled, with 132 replying. Of that number, 116 had no concerns about duplication of services, while the remaining 16 felt otherwise. They cited overlaps between the payment of unemployments insurance/workers compensation benefits and welfare benefits, between the Work Incentive Program (WIN) and Concentrated Employment Program (CEP) and between the client intake process in several programs. Employees also had concerns over vocational rehabilitation consultants hired by the Workers' Compensation Division to provide services that they feel are already available from the Job Service Division.

Where the identities of the respondents were made known, they were advised that the overlap between Unemployment Insurance and Workers'

Compensation benefits and welfare, and between the WIN and CEP programs, are due to state and federal regulations that provide different benefits and require different qualifications for those benefits. While combined client information intake might be possible, there remain problems with client confidentiality, particularly with information shared by state departments. The department has determined that it is possible that the work currently being done by vocational-rehabilitation consultants could be done by Job Service personnel.

The agency will study combining some functions within the department that might reduce duplication in the client intake process and will propose rules or legislation if it is feasible. Some of the concerns mentioned will be addressed in the comprehensive Workers Compensation reform legislation package.

The Commissioner maintains a file on the survey in his office on work days during business hours for those interested in DOLI's portion.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Of 1,107 survey forms that were sent out, 138 were returned. Of that number, 111 were unaware of duplication in services. Twenty-seven of the respondents felt that there was.

Among the issues raised were perceived duplication between the Developmental Disabilities Division (DD) and Rehabilitation Services in setting up rehabilitation programs, and duplication in adult protective services and aging. SRS has had a task force of providers, advocates and staff within the division examine duplication and it has recommended a complete consolidation of services to the developmentally disabled within the department. Adult protective services and aging services would be consolidated within the Department of Family Services, proposed by the administration.

The director has responded to those survey forms that have been signed. A file of the agency's participation in the survey may be examined during business hours, Monday through Friday, excepting holidays.

DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER'S OFFICE



TED SCHWINDEN, GOVERNOR

STATE CAPITOL

STATE OF MONTANA

(406) 444-3661

HELENA, MONTANA 59620

August 27, 1986

TO: Department of Labor and Industry Employees
FROM: Gene Huntington *ghe*
RE: Survey in accordance with H.B. 40 to identify and consolidate duplicative services provided by the Departments of Social and Rehabilitation Services, Health and Environmental Sciences, Labor and Industry, and Institutions.

The legislators are interested in your knowledge of any overlapping functions or programs with the Departments referred to in HB 40. Please answer the following questions: (Use reverse side or additional sheets of paper if necessary.)

1. Are you aware of any functions or programs that are duplicated in any of the Departments listed above?

YES _____ NO _____

If yes, please identify _____

2. Do you have any recommended practical methods for consolidating duplicative functions or programs?

YES _____ NO _____

If yes, please identify _____

3. Do you have any recommended methods of providing money and services more directly to department clients?

YES _____ NO _____


If yes, please identify _____

Please return the completed questionnaire to my office by September 12. Thank you for participating in the survey.

Signature (optional) _____

LEGISLATIVE INTERIM CALENDAR

DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5 SUBCOMM. ON AG. PROBLEMS Rm. 104-8:30am	6
7	8 LEGISLATIVE AUDIT COMM.	9	10 EQC-Rm. 104	11 EQC-Rm. 104	12 SUBCOMM. ON LIABILITY-Rm. 104 HOUSE LEG. ADM. COMM. -2pm SENATE LEG. ADM. COMM. -4pm	13 ROC-Rm. 104
14	15	16	17	18	19	20
21	22	23	24	25 CHRISTMAS 	26	27
28	29	30	31			

*ALL MEETINGS ARE SUBJECT TO CHANGE

330 copies of this publication were produced at a unit cost of \$.74 per copy, for a total cost of \$245.74, which includes \$175.44 for printing and \$70.30 for distribution.

